



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

VIA UPS

MAR 27 2014

Joanne K. Szymanski  
Environmental, Health & Safety Manager  
Eastman Specialties Corporation  
10380 Worton Road  
Chestertown, MD 21620

**Re: Notice of Violation**  
Compliance Evaluation Inspection  
August 20-21, 2013

**Docket No.:** R3-14-NOV-RCRA-10

Dear Ms. Szymanski:

On August 20-21, 2013, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") of Eastman Specialties Corporation ("the Facility" or "Eastman") located in Chestertown, Maryland under the federally authorized Code of Maryland Regulations ("COMAR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. Based on the CEI and from follow-up information gathering, EPA has determined that Eastman has violated regulations under COMAR and RCRA. As a result of this determination, EPA is issuing this Notice of Violation ("NOV"). The specific violation(s) are:

1. During the August 20-21, 2013 EPA CEI, the Facility stated that it uses aerosol can products for general maintenance purposes, and Facility personnel indicated that spent aerosol cans are discarded in the regular trash. Some of the aerosol can Material Safety Data Sheets provided by the Facility during and after the EPA CEI suggest that when discarded, the contents of such cans exhibit the criteria of a hazardous waste for the characteristic of ignitability (D001). Therefore, the Facility failed to make a waste determination for its spent aerosol cans prior to disposal, in accordance with COMAR 26.13.03.02A.

A copy of the EPA inspection report, documenting the findings of the inspector, is enclosed as Attachment 1 for your information and includes only those attachments not provided by the facility representative(s) at the time of or subsequent to the inspection.

Within **thirty (30) calendar days** of the receipt of this NOV, please submit documentation of any measures that the Facility has taken or is taking to achieve compliance with the violations noted above. If the compliance measures identified are planned or are ongoing, please provide a schedule for when the compliance measures will be completed. If the Facility can provide documentation which shows that EPA's determination of the alleged violation(s) is in error, please submit this information as well. Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement

of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day for each violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed Attachment 2, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. Your response to this NOV shall be addressed to:

Andrew Ma  
U.S. Environmental Protection Agency - Region III  
Environmental Science Center  
701 Mapes Road  
Fort Meade, MD 20755

If you have any questions regarding this matter, please feel free to contact Mr. Andrew Ma at (410) 305-3429.



Carol Amend  
Associate Director  
Land & Chemicals Division  
Office of Land Enforcement

3-27-14  
Date

Enclosures

cc: A. Ma (3LC70)  
T. DiFiore (3LC70)  
B. Coblentz (MDE)